

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-0900262
	:	TRIAL NO. B-0804960
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
DONTE REESE,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Donte Reese pleaded guilty to one count of trafficking in cocaine under R.C. 2925.03(A)(2), one count of possession of cocaine under R.C. 2925.11(A), and one count of possession of crack cocaine under R.C. 2925.11(A). In exchange for Reese's guilty plea, the state agreed to dismiss the remaining charges. The trial court sentenced Reese to consecutive terms of one year in prison on each of the counts. Those terms were also made consecutive to the sentence imposed in the case numbered B-0608380.

After reviewing the record and the applicable law, Reese's appointed counsel, pursuant to *Anders v. California*,² states in his brief that he has found no errors in the proceedings below. Appellate counsel has communicated his conclusion to

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

Reese, afforded him the opportunity to “raise any points that he chooses,” and moved this court for permission to withdraw as counsel.³ Reese has not raised any errors for our review.

Based upon our review of the record, we concur in counsel’s conclusion that the proceedings below were free of error prejudicial to Reese.⁴ We, therefore, overrule counsel’s motion to withdraw from his representation of Reese and affirm the judgment of the trial court.

Although we have concluded that this appeal is frivolous pursuant to App.R. 23 and without “reasonable cause” under R.C. 2505.35, we refrain from taxing costs and expenses against Reese because it appears from the record that he is indigent.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., SUNDERMANN and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on April 21, 2010
per order of the Court _____.
Presiding Judge

³ Id. at 744.

⁴ Id.